



November 13, 2014

Christopher Calfee, Senior Counsel  
Governor's Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

Re: Comments on Updating Transportation Impacts Analysis in the California Environmental Quality Act (CEQA) Guidelines: *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743.*

Dear Mr. Calfee:

The Transportation Corridor Agencies (TCA) have reviewed the Office of Planning and Research's *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743* and are pleased to submit these comments for your consideration.

**Page 13, Section 15064.3 (b)(1), Regional Average Vehicle Miles Traveled (VMT) by Land Use Type**

The draft proposal states that,

“a development project that is not exempt and that results in vehicle miles traveled greater than regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact....regional average should be measured per capita, per employee, per trip, per person trip or other appropriate measure.”

While this would not affect the authority of a public agency to establish or adopt other appropriate thresholds of significance, we note that the “regional average by land use type” may, through potential litigation, be interpreted by the courts as a required threshold. Since data on average regional VMT may not be readily available, local jurisdictions in the same metropolitan planning area may end up with different average VMT for the same land use type, thus leading to different thresholds for the same land uses. Should the average VMT by land use type be the recommended threshold of choice in the guidelines; then, TCA requests that the guidelines stipulate that Metropolitan Planning Organizations (MPOs) be required to provide their respective regional average VMT for all land use types before the proposed guidelines become effective.

**Page 13, Section 15064.3 (b)(1), Existing v. Future Baseline**

In April 2012, the California Court of Appeal held that in appropriate circumstances lead agencies conducting CEQA review may use projected future conditions to determine the significance of potential impacts of transportation projects on traffic and air quality (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2012) \_\_ Cal.App.4th \_\_ (April 17, 2012, B232655)). Specifically, the Court of Appeal opined,

“...that, in a proper case, and when supported by substantial evidence, use of projected conditions may be an appropriate way to measure the environmental impacts that a project will have on traffic, air quality and greenhouse gas emissions.”

Therefore, TCA recommends that the draft proposal language on page 13 be revised to reflect the latest Court ruling as follows,

“Similarly, development projects, that result in net decreases in vehicle miles traveled, compared to either the existing baseline or future no-build conditions, may be considered to have a less than significant transportation impact.”

**Page 14, Section 15064.3 (b)(2)**

This section states that,

“..., new managed lanes (i.e. tolling, high-occupancy lanes, lanes for transit or freight vehicles only, etc.), or short auxiliary lanes, that are consistent with the transportation projects in a Regional Transportation Plan and Sustainable Community Strategy, and for which induced travel was already adequately analyzed, generally would not result in a significant transportation impact.”

TCA requests that the language be refined as follows to clearly indicate that managed lanes and short auxiliary lanes that are part of an adopted Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) are deemed to have no significant transportation impacts:

“..., new managed lanes (i.e. tolling, high-occupancy lanes, lanes for transit or freight vehicles only, etc.), or short auxiliary lanes, that are consistent with the transportation projects in a federally-approved Regional Transportation Plan and state-approved Sustainable Community Strategy, and for which induced travel was already adequately analyzed in an adopted Program Environmental Impact Report, would be deemed to have no ~~generally would not result in~~ a significant transportation impact.”

**Page 14, Section 15064.3 (b)(2)**

TCA requests language modification to establish that transportation projects assumed, modeled, and adopted in the prevailing federally-approved RTP and state-approved SCS, and which have been adequately analyzed in the adopted RTP/SCS Environmental Impact Report (EIR), would

be deemed consistent with the average regional VMT attained by the RTP/SCS and, therefore, result in no significant impact on induced travel.

#### **Page 34, Variations in Induced VMT by Lane Type**

Appendix E provides a definition of “managed lanes” and discusses their impact on induced VMT, but stops short of conclusions that would be helpful to project sponsors and lead agencies. TCA recommends the following clarifications:

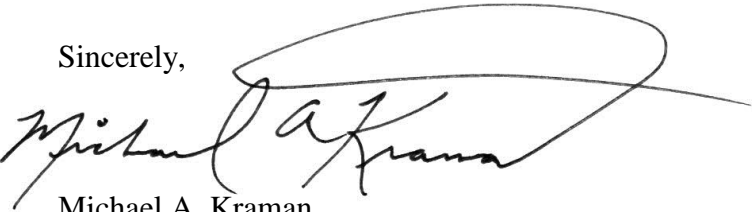
“General purpose lanes can be used by any vehicle, and tend to exhibit the greatest vehicle capacity. Managed lanes are designated for use by vehicles occupied by at least a certain number of passengers (HOV lanes), those vehicles plus ones that have paid a toll (HOT lanes), or only ones that have paid a toll (Toll lanes). They are typically managed to prevent congestion by placing a restriction on the vehicles that may use the lane. Typically the target throughput is somewhat below capacity, for the purpose of having the managed lane maintain a speed advantage over the general purpose lanes. Thus, effective capacity of a managed lane is typically reduced, resulting in no transportation impact due to induced travel.”

#### **Page 34, Variations in Induced VMT by Lane Type**

Parallel with our comment on Page 14, Section 15064.3 (b)(2), this section of Appendix E should add an expanded discussion about all transportation projects assumed, modeled and adopted in the federally-approved RTP/SCS. All projects assumed and modeled in the RTP/SCS, including regionally significant projects and Transportation Control Measures, in addition to managed lanes, are already analyzed in an adopted EIR. TCA recommends that such RTP/SCS transportation projects be deemed consistent with the average regional VMT that results from implementation of the RTP/SCS, resulting in no transportation impact due to induced travel.

TCA appreciates the opportunity to provide input and looks forward to reviewing future documentation on the proposed guidelines. Please do not hesitate to contact Ms. Valarie McFall, Director, Environmental Services, at 949.754.3475 or via email ([vmcfall@thetollroads.com](mailto:vmcfall@thetollroads.com)), if you have any questions or require additional information.

Sincerely,



Michael A. Kraman  
Chief Executive Officer